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In Memory of
Charles O'Connor.







In Memory of
Charles O'Connor.



~~CONFIDENTIAL~~

C.H. Butler

DEC 20 1912



Died,

May 12, 1884,

Charles O'Connor.





Report of a Meeting
of
The New York Law Institute,
held in
The City of New York, on
Monday, December 8th, 1884.





New York Law Institute.

AT a Stated Meeting of the New York Law Institute,
held at the Library Rooms on the 8th day of
December, 1884—

CHARLES TRACY, Esq., President, in the chair, and a
quorum of members being present—

The Committee appointed to propose such entry
and action in reference to the late CHARLES
O'CONOR, as they should deem appropriate, and
to report the same, presented the following Minute to
be entered on the records of the Institute :

CHARLES O'CONOR, a Member of the Bar of the City
of New York from his admission as an attorney-at-law
in 1824 and of this Institute from his election as a
member, December 15, 1828, its Treasurer from 1850 to
1869, and its President from 1869 to 1878, died at his
residence on the Island of Nantucket May 12, 1884,
aged eighty years.

His active and unfailing interest in this Association,
and the high value he placed on the means it furnishes
in aid of legal study and investigation, were evidenced
by the many years of service which he gave it, by his

familiar presence in the Library, and his constant use of its facilities, during all the long period of his active practice at our Bar, and by the generous bequest contained in his last will and testament, executed January 22, 1884, on the eightieth anniversary of his birth, as follows :

"To the New York Law Institute, an incorporated association, established in the City and State of New York, I give twenty thousand dollars. I also give to the same all bound volumes of my books marked *My Opinions* and all those marked *My Own Cases*, with one of the same nature bound in Russian leather. I give to the same the silver with its frame given me by about fifty lawyers, and the silver with its frame given me for a like purpose by thirty ladies, together with an additional thousand dollars."

The above-mentioned dispositions have already been executed by the payment to the Institute of the several sums of money and the delivery of the articles of silver specified in the bequest, and also by the delivery of the bound volumes of cases, briefs and opinions, for which a suitable separate receptacle has been provided in the Library, where they will remain, among our most valued possessions, a token and testimonial, not only of the wise and liberal sympathy of their donor with the objects of this Society, but also as an enduring monument of his splendid abilities as an advocate and jurist.

The grateful recognition and acknowledgment of the testamentary gifts thus bestowed, which the Institute desires to place upon its records, are only a part of the tribute which should be borne by its members as a body to the merits and the memory of Mr. O'CONOR. For more than half a century he pursued, with undeviating fidelity, the practice of the law in every department of

the profession, in all the Courts, State and Federal, on behalf of all classes of suitors, under every variety of circumstances which can affect the course of litigation or the changing administration of the law. The elements which combined to stamp him with a rare and exceptional individuality were partly native to his character and temperament, partly the result of the severe discipline of his preparatory training and earlier activities at the Bar, and partly of the assured supremacy gained from the exercise, in their chosen field, of intellectual powers, subservient to no will but his own, always, as if by an inexorable law, devoted to the conscientious discharge of duty, and often brought to a height of enthusiasm which seemed to stake all that was of value in personal or professional repute upon the issue of a client's cause.

His natural power of memory was so cultivated as to be marvellous in comprehensiveness and exactitude, as the instance may attest of his so mastering the Digests and Abridgments, in his earlier studies, as to retain in his recollection, for use in after years, almost their precise expressions. His industry had in it a quality of self-sacrificing painstaking pushed to an extreme and persisted in to the very end of his career with unflinching rigor.

At Nisi Prius, where he first gained repute from the successful issue of noted cases before Juries, he was unexcelled, and, alike in the examination and cross-examination of witnesses, in the discussion of questions of evidence and of points of law, and in the summing-up, he was, to use his own expression, like a soldier

with drawn sword in the midst of a fight, in which he must attack or defend as occasion might serve, equally bold and wary according to the emergency as it came. In the Court in banc, he originated the practice of prefixing to the points of argument a separate statement of the facts, and with what knowledge and accuracy he explored and set in order the most complicated and intricate facts, and with what skill and learning he applied to them the law, as he sought to establish it, the senior members of our Institute, so often associated with him or opposed to him, in the conduct of causes, well know, and the junior members may partly learn from the long array of his printed briefs now ranged on our Library shelves.

The tributes which have been paid to the memory of Mr. O'CONOR at the funeral services of his Church in the Cathedral in this city, from which he was borne to his last resting-place, in the Courts of our State and in the meeting of the Bar of this city, have fitly commemorated his genius, his personal traits, his claims to public respect, his right to a high place on the roll of American citizens. In all of them a just emphasis has been placed on the moral elevation of his character, his lofty disdain of artifice and expediency, his stern devotion to the truth as it was held by him according to his own deliberate convictions. These more public testimonials are now supplemented by this brief commemorative inscription on the records of the Law Institute in which, to the general commendation which has followed his finished earthly career, we, as his associates in this more secluded sphere of professional study and

research, desire to express the closer regard which springs from long association in kindred pursuits and labors, and from our sense of his sympathy with our aims and endeavors, so active during his long life, and in his death so fully attested by a remembrance which comes to us at once as the benediction of a venerated friend and as a new and inspiring call to the service and duties of the profession.

The above Minute is respectfully submitted by the Committee.

WM. M. EVARTS,
WM. ALLEN BUTLER,
B. F. DUNNING,
JOHN E. BURRILL,
GEO. N. SANDERS.

It was thereupon

Resolved, That the foregoing Minute be adopted and entered on the records of the Institute, and that it be referred to the Committee to take such action as to its publication and transmission to the representatives of Mr. O'CONOR as they may think proper, and that the same Committee be requested to report to the Institute any recommendation which they may think proper touching further action commemorative of Mr. O'CONOR as a member and officer of this Institute.



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